

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

SHAWANNA DEVILLE, ET AL :
VERSUS : CIVIL ACTION NO.: 6:17-CV-00961
THE CITY OF VILLE PLATTE, ET AL : JUDGE JAMES, MAG. JUDGE HANNA

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CONSENT JUDGMENT

By agreement of counsel and considering the **Motion to Strike Penalty, Punitive, or Exemplary Damages** and the **Motion to Dismiss Pursuant to Rule 12(b) to dismiss the Ville Platte Police Department** previously filed on behalf of the CITY OF VILLE PLATTE and CHIEF NEAL LARTIGUE, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, and the VILLE PLATTE POLICE DEPARTMENT [**Court Docs. #5 and 7**];

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the **Motion to Strike Penalty, Punitive, or Exemplary Damages** filed on behalf of the CITY OF VILLE PLATTE and CHIEF NEAL LARTIGUE, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, [**Court Doc. #5**] be and same is hereby **GRANTED**, and plaintiff's claims for Penalty, Punitive, and Exemplary Damages against the CITY OF VILLE PLATTE and CHIEF NEAL LARTIGUE, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, be and they are hereby **DISMISSED**, as there is

no Louisiana state statute that allows for the recovery of penalty, punitive or exemplary damages in this matter, and that pursuant to *City of Newport v. Fact Concerts, Inc.*, 101 S.Ct. 2748 (1981), punitive damages cannot be recovered from the CITY OF VILLE PLATTE and CHIEF NEAL LARTIGUE, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, and that plaintiff's claims for such damages against the CITY OF VILLE PLATTE and CHIEF NEAL LARTIGUE, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, for penalties are dismissed as a matter of law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the **Motion to Dismiss Pursuant to Rule 12(b) to dismiss the Ville Platte Police Department** filed on behalf of the VILLE PLATTE POLICE DEPARTMENT [**Court Doc. #7**] be and same is hereby **GRANTED**, and the VILLE PLATTE POLICE DEPARTMENT is hereby dismissed from this matter, with prejudice, with plaintiffs reserving their rights to proceed against the remaining named defendants.

Mr. Jacob B. Fusilier has given Joy C. Rabalais the authority to submit this proposed Consent Judgment with his electronic signature.

THUS DONE AND SIGNED this _____ day of _____, 2017, at
Lafayette, Louisiana.

JUDGE

SUBMITTED BY:

BORNE, WILKES & RABALAIS, L.L.C.

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ATTORNEYS FOR THE CITY OF VILLE PLATTE
AND CHIEF NEAL LARTIGUE, IN HIS OFFICIAL
CAPACITY AS CHIEF OF POLICE OF THE CITY
OF VILLE PLATTE, AND THE VILLE PLATTE
POLICE DEPARTMENT

APPROVED:

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ATTORNEYS FOR SHAWANNA DEVILLE,
SHAQUILLE FREEMAN AND LILJOHN O'NEAL

CERTIFICATE

I HEREBY CERTIFY that on the 3rd day of October, 2017, a copy of the foregoing Consent Judgment was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Jacob B. Fusilier by operation of the court's electronic filing system.

s/Joy C. Rabalais

JOY C. RABALAIS (Bar Roll #26476)
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